

system which has been awarded to it by the city.

Mr. Leubuscher claims that his client maintains that it would be a betrayal of the people's interests to award any piecemeal contracts, but that all contracts for the construction of the entire Triborough system must be awarded simultaneously.

The injunction papers will further claim that, ever since the opening of the bids, last October, for the construction of the trunk line of the Triborough system, public officials have betrayed the interests of the people by negotiating with the Triborough Trust, parading under the name of the Interborough, B. R. T. and MoAdams, but really allied interests. Their aim, the papers will allege, has been to break up the Triborough as a system and to destroy its unity value.

Mr. Leubuscher also points out that the Legislature is to adjourn to-day and thus another day's respite, making substantially the same changes—all within a few hours of the approval of these contracts.

Although the Mayor was absent, the full sixteen votes of the Board of Estimate were cast on the B. R. T. and Lexington Avenue propositions. This was made possible by the presence in the board as a voting member of Alderman Francis P. Bent of the Bushwick section of Brooklyn, who is vice-chairman of the Board of Aldermen. He was present with a vote, because Mr. Mitchell took the chair of Mayor Gaynor as president of the board. This left Mr. Mitchell's seat vacant, with three votes attaching to the occupancy thereof, and Alderman Bent took the chair and cast the votes.

**MILLER AND GRESSER ALONE IN OPPOSITION.**

The vote by which the B. R. T. was empowered to operate the new subway

was 14 to 2. The only votes in opposition were cast by Borough President Miller of the Bronx and Borough President Greaser of Queens, each of them holding that their communities have been slighted in the B. R. T. plans.

Before the vote on the B. R. T. plan was taken, Alderman Bent said he did not favor the plan as a whole, but would vote for it because action is required and he thought it best to get started. He said he hoped the new B. R. T. would realize its purpose toward the public and try to serve the convenience of the people in the future. When the B. R. T. had been awarded the operation contracts, Comptroller Frederickson sprung a surprise by moving that the board approve bids transmitted to it from the Public Service Commission on July 2 and submitted to him for examination and report, for the construction of sections 5, 7, 9, 10 and 11 of the Lexington Avenue line. Borough President McKenney protested. He said the Mayor understood that only the B. R. T. plan would be voted on to-day.

Comptroller Frederickson and Mr. Mitchell forced a understanding with the Mayor. Later it was explained that Mr. Mitchell feared the Interborough would get out an injunction against endorsing the contract for the construction of Section No. 6, which extends from Twenty-sixth street to Fortieth street and parallels the Interborough Fourth Avenue line.

Borough President Miller voted against endorsing the contract for Section No. 6, saying that, in his judgment, it would never be built. He voted for the contracts for the other sections. The five sections covered by the contracts awarded to-day total three and one-half miles along Lexington Avenue. The Mayor's endorsement on these sections is not required.

## ESTIMATE BOARD'S VOTE CLEARED WAY FOR WORK

Resolution Provided for Immediate Award of Contracts Already Approved by Public Service Commission for Five Sections of East Side.

Here is the resolution passed to-day by the Board of Estimate which turns 7.5 miles of new rapid transit, to cost the city nearly \$200,000, over to the man in control of the Brooklyn Rapid Transit Company:

**INTERBOROUGH FAILS TO ACCEPT; B. R. T. GETS AWARD.**

Whereas, The Special Committee of the Board of Estimate and Apportionment appointed to consider pending transit proposals, and the Public Service Commission for the First District, made a joint report to this Board bearing date of June 15, 1911, and transmitted under date of June 15, 1911, with relation to the construction, equipment and operation of additional lines of rapid transit railway within the City of New York;

And Whereas, This Board, at a meeting held on June 21, 1911, concurred unanimously in the findings and recommendations of said joint report, with certain modifications set forth in the resolutions adopted upon such date applying to the respective proposals of the Interborough Rapid Transit Company and the Brooklyn Rapid Transit Company;

And Whereas, The recommendations of the Special Committee of the Public Service Commission, which were approved by the Board of Estimate, and the Board has rejected the proposition of the Interborough Company to accept the terms and conditions prescribed for the operation of the new lines of rapid transit railway, and to certain said lines to be added to the system to be operated by the Brooklyn Company upon the general terms prescribed for the operation of the lines originally allotted to said Company;

And Whereas, The Brooklyn Company expressed its willingness to operate the additional lines upon the terms proposed, if so requested by the city;

And Whereas, The Interborough Company has failed to accept the terms originally proposed to it, and the Board has rejected the proposition of the Interborough Company to accept the terms and conditions prescribed for the operation of the new lines of rapid transit railway, and to certain said lines to be added to the system to be operated by the Brooklyn Company upon the general terms prescribed for the operation of the lines originally allotted to said Company;

And Whereas, The Brooklyn Company expressed its willingness to operate the additional lines upon the terms proposed, if so requested by the city;

And Whereas, The Interborough Company has failed to accept the terms originally proposed to it, and the Board has rejected the proposition of the Interborough Company to accept the terms and conditions prescribed for the operation of the new lines of rapid transit railway, and to certain said lines to be added to the system to be operated by the Brooklyn Company upon the general terms prescribed for the operation of the lines originally allotted to said Company;

And Whereas, The Brooklyn Company expressed its willingness to operate the additional lines upon the terms proposed, if so requested by the city;

And Whereas, The Interborough Company has failed to accept the terms originally proposed to it, and the Board has rejected the proposition of the Interborough Company to accept the terms and conditions prescribed for the operation of the new lines of rapid transit railway, and to certain said lines to be added to the system to be operated by the Brooklyn Company upon the general terms prescribed for the operation of the lines originally allotted to said Company;

And Whereas, The Brooklyn Company expressed its willingness to operate the additional lines upon the terms proposed, if so requested by the city;

And Whereas, The Interborough Company has failed to accept the terms originally proposed to it, and the Board has rejected the proposition of the Interborough Company to accept the terms and conditions prescribed for the operation of the new lines of rapid transit railway, and to certain said lines to be added to the system to be operated by the Brooklyn Company upon the general terms prescribed for the operation of the lines originally allotted to said Company;

And Whereas, The Brooklyn Company expressed its willingness to operate the additional lines upon the terms proposed, if so requested by the city;

And Whereas, The Interborough Company has failed to accept the terms originally proposed to it, and the Board has rejected the proposition of the Interborough Company to accept the terms and conditions prescribed for the operation of the new lines of rapid transit railway, and to certain said lines to be added to the system to be operated by the Brooklyn Company upon the general terms prescribed for the operation of the lines originally allotted to said Company;

And Whereas, The Brooklyn Company expressed its willingness to operate the additional lines upon the terms proposed, if so requested by the city;

And Whereas, The Interborough Company has failed to accept the terms originally proposed to it, and the Board has rejected the proposition of the Interborough Company to accept the terms and conditions prescribed for the operation of the new lines of rapid transit railway, and to certain said lines to be added to the system to be operated by the Brooklyn Company upon the general terms prescribed for the operation of the lines originally allotted to said Company;

And Whereas, The Brooklyn Company expressed its willingness to operate the additional lines upon the terms proposed, if so requested by the city;

And Whereas, The Interborough Company has failed to accept the terms originally proposed to it, and the Board has rejected the proposition of the Interborough Company to accept the terms and conditions prescribed for the operation of the new lines of rapid transit railway, and to certain said lines to be added to the system to be operated by the Brooklyn Company upon the general terms prescribed for the operation of the lines originally allotted to said Company;

And Whereas, The Brooklyn Company expressed its willingness to operate the additional lines upon the terms proposed, if so requested by the city;

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Special Committee of the Board of Estimate and Apportionment and the Public Service Commission for the First District, as subsequently amended, the Board will approve contracts to be prepared by the Public Service Commission under the general provisions of the Rapid Transit act for the construction, equipment and operation of rapid transit railways along the lines now proposed to be operated by the Brooklyn Rapid Transit Company—either through the instrumentality of such new railroad company as may be organized for the purpose, or through the instrumentality of the city, extension and third tracking of the existing elevated lines of the Brooklyn Rapid Transit Company; and be it further

Resolved, That the Public Service Commission be and is hereby respectfully requested to submit to this Board at the earliest date practicable the forms of the equipment, operation and maintenance of the lines of rapid transit railway proposed for operation as aforesaid, and be it further

Resolved, That the Public Service Commission be and is hereby respectfully requested to submit at the earliest date or dates practicable, for the further approval of the Board, the contract or contracts to be entered into for such portions of the said lines as are to be reconstructed at the expense of the city, and to acquire the board so far as practicable in advance of such submission with the incidental plans, specifications and estimates for such reconstruction, in order that the board may properly allow the appropriation of city funds to be expended in accordance therewith; and be it further

Resolved, That the Special Committee of the board, consisting of the President of the Borough of Manhattan, the President of the Borough of the Bronx and the President of the Borough of Richmond be and is hereby continued for the purpose of conferring and co-operating with the Public Service Commission in carrying out of these recommendations, and in the determination of such questions of detail as were left undetermined by the joint report of the conference, including the resolutions of this date.

## CONTRACTORS CAN BEGIN DIGGING WITHIN AN HOUR

Bradley, Who Will Build Four Sections on Lexington Avenue, and Peckworth, Both Have Huge Plants Awaiting Word.

Charles H. Peckworth of No. 531 Hudson street, the successful bidder for Section 7 of the Lexington Avenue subway, which extends from Fortieth street to Fifty-third street, with stations at Forty-second and Forty-third streets and Fifty-first street, was notified of the action of the Board of Estimate, confirming his contract, by The Evening World. He said he was glad of an opportunity for action.

"This is the only section of the Triborough route I have," said Mr. Peckworth, "and it is a tough one. It is entirely through the old, crooked Forty-second street and passes the Grand Central station, one of the busiest traffic centres of the city."

"However, I have been waiting patiently since Oct. 21, 1910, to get to work, and I can start in ten minutes after I get the notification from the Public Service Commission. I have a complete plant in readiness. There will be no delay on my section, and I hope to show the people of New York that I am not only anxious to get my contract under way, but am capable of finishing it up in the shortest time."

"It is my intention to cause as little inconvenience as possible to business men and residents along Lexington Avenue. I have been experimenting with two different tunnel boring machines, one of New York manufacture, the other from Denver. The experiments will have

been concluded before we are ready for the actual boring."

**BRADLEY COMPANY CAN DIG AT ONE HOUR'S NOTICE.**

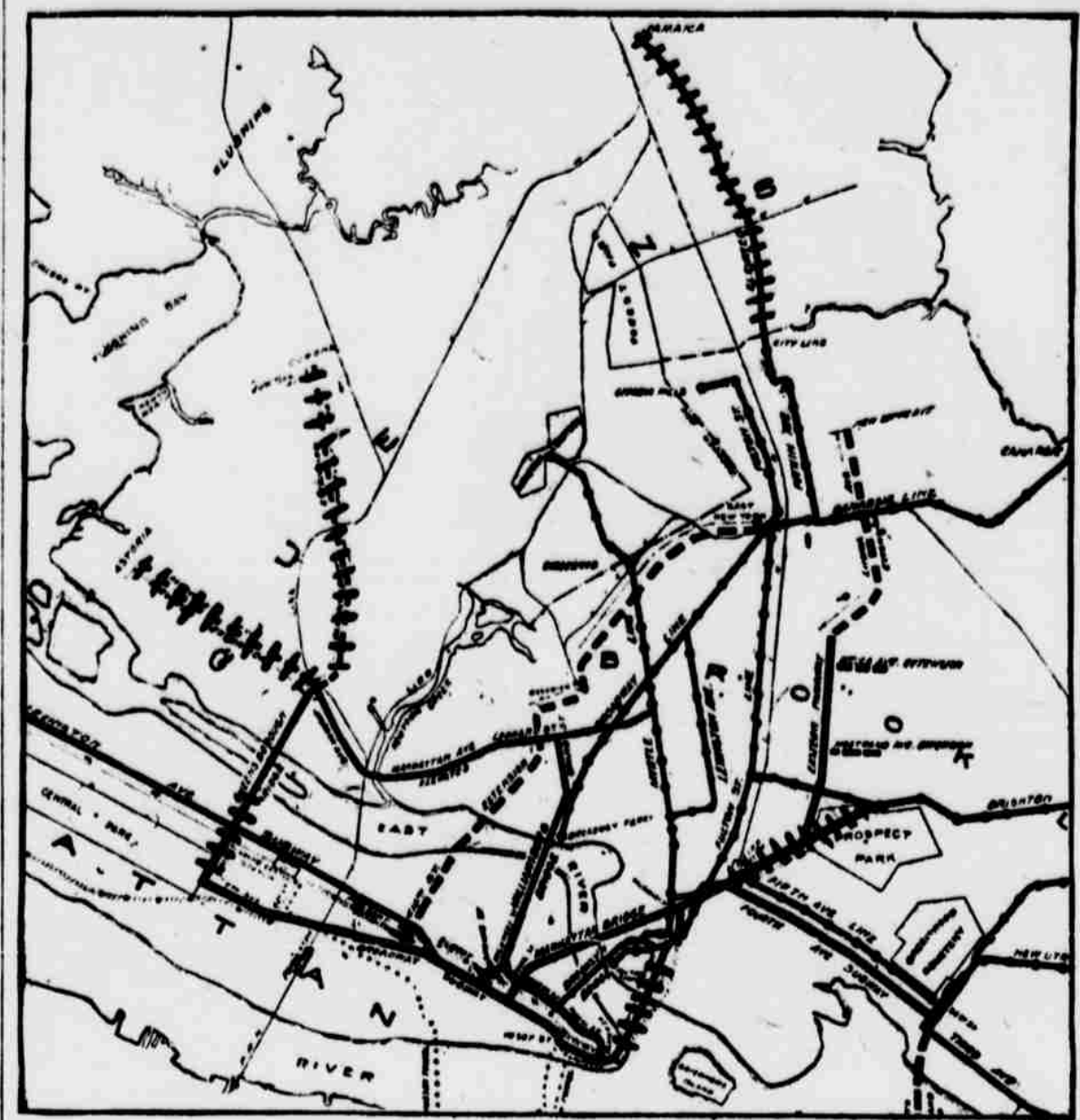
Frank Bradley, of the Bradley Contracting Company, which has the contracts for the subway in the sections extending from Twenty-sixth street to Fortieth street and from Fifty-third street to Sixty-seventh street, was notified of the action of the Board of Estimate, confirming his contract, by The Evening World. He said he was glad of an opportunity for action.

"In an hour after I get notice we can start work. We have been anticipating the action of the Board of Estimate and have been preparing accordingly. Our plant is ready to put into operation without the least delay. We have stables at Sixty-eighth street and North River, and at Stanton street and the East River, with a full equipment of horses and carts, and 200 more great horses at my father's farm in Somerville, N. J."

"Our plant from the Pennsylvania tunnel is ready for immediate use on subway work and soon we will have available an additional plant now engaged on the Fourth Avenue Brooklyn subway. My job is 90 per cent completed. Then we can call on the plant at work on the Croton Lake Aqueduct, that job being 80 per cent finished."

"All of these forces can be transferred to subway work at any time we get the notice to get busy. We propose

## Important Parts of Subways Voted to B. R. T. Which Mayor Gaynor's Veto Can Cut Out



### Gaynor Has Veto Power Over One-Third of B. R. T. Lines

These lines, included in the B. R. T. bid, have not been legalized, and they require the Mayor's "approval" before they can be built:

	Total Miles
Fifty-ninth street to Queensboro plaza.....	2.3
Part of Battery tunnel to Fourth Avenue, Brooklyn.....	1.9
Spring street.....	.2
Part of Union Square to Eastern District.....	4.5
Part of Lexington Avenue, Ninth street to 155th street.....	6.3
Astoria line.....	2.4
Corona and Woodside.....	2.4
Whitehall tunnel to Borough Hall.....	1.7
Livonia Avenue to New Lots road.....	2.4
<b>Total.....</b>	<b>24.7</b>

As the total mileage of the rapid transit lines which the B. R. T. seeks to operate is a fraction over seventy miles, it is quite clear the Mayor has a veto on more than one-third of the whole.

making a record in subway work and a particular pride in being first in the field."

Frank Bradley will be in charge of the subway construction. He is the son of William Bradley, who, with James Bradley, a brother, comprise the Bradley Company. Frank Bradley is the youngest man who has had charge of subway construction for the city. He is thirty-one years old.

### IT'S UP TO DIGGING, DECLARES M'ANENY, WHO MADE "BARGAIN"

Borough President McKenney prepared to-day an official computation of the mileage affecting new subways, elevated and third-track lines under the B. R. T. plans as approved. These are:

Mileage of original B. R. T. plan:	23.3
New subways.....	23.3
New elevated lines.....	9.8
Existing elevated lines.....	41.2
<b>Total.....</b>	<b>94.4</b>

Mileage of B. R. T. under extended plan:

New subways.....	13.3
New elevated lines.....	15.0
<b>Total.....</b>	<b>28.3</b>

Grand total mileage.....122.7  
President McKenney and the city invests for construction \$127,000,000 and real estate and easements \$5,000,000, making a total of \$132,000,000. In addition there is under construction subway work totaling \$27,800,000, which raises the city's share and interest in new subways to \$160,000,000.

As against this outlay, the B. R. T. puts up for construction \$25,000,000 and for equipment \$45,000,000, a total of \$70,000,000. This, together with the city's portion makes the grand total invested in new subways \$234,600,000.

"Except that I regret that the modified plan, admitting the Interborough, was not accepted," said President McKenney, "I am satisfied with the result. I am glad the way has now been made clear for actual digging."

"Though the second alternative, representing four or five months of hard work, was adopted, the general routing plan, as well as terms and conditions laid down by the committee, stand with scarcely any changes of moment. The Public Service Commission will immediately prepare operating contracts and for actual construction work under the resolution approved this morning. The subway question is practically settled."

**DIX TAX MESSAGE SENT TO LEGISLATURE.**

Governor Urges Passage of Bill to Meet Interest and Sinking Fund Charges.

ALBANY, July 21.—Gov. Dix sent a special message to the Legislature to-day urging the enactment of the bill levying a direct tax of six-tenths of a mill to meet interest and sinking fund charges.

## SUGAR TRUST GAVE \$10,000 IN 1892 FOR HARRISON

(Continued from First Page.)

The testimony of John Arbuckle, who is ill at Lake Mohonk, will be submitted to the subcommittee which was named to journey to the lake for its investigation and the committee will go Monday to get the document. Chairman Hardwick said to-day that his fellow representatives and himself were anxious to finish the local work at the earliest possible moment and hurry back to Washington to make the final report to Congress.

Mr. Parsons laid down a rule of action for Governmental control of corporations. He said that where the business of a corporation was local in its character and affected only those close to it, it was wrong for the Government to interfere with its operation. In the case of corporations that did an interstate business he said the National Government properly had the right to regulate business.

**NEW JERSEY CAN STILL REGULATE SUGAR TRUST.**

"But you have got to consider what will benefit the greatest number of the people," he said. "I think that the American citizen is big enough to take care of himself."

He denied that the Sugar Trust had grown outside of the power of the State of New Jersey, its sovereign parent, to regulate, and said the State could revoke its charter at any time it got ready. He likened the case to the keeping of cows, in which case he said the State could cut off all of the throats of its cows if it thought the public health demanded. He could not see any reason why one corporation should hold stock in a competing company, and if organizations reduced the cost of commodities he said he favored the organizations.

Did he favor publicity? Not much! All the good he could see from publicity was for the competitor who got next to the other fellow's curves in business.

Which led Representative Sulzer to remark that he favored the widest sort of publicity, both for corporations and for individuals.

Mr. Parsons said that the late Henry O. Havemeyer was always extremely deferential to the opinions of others, indicating that he was a good listener and was always glad to get a tip. He did not think the trust was carrying on business in restraint of trade, if it pursued its old methods still, and he did not consider it a "trust" in the commonly "misused" sense of the word.

### TRAFFIC SQUAD SAVED BY GOV. DIX'S MESSAGE.

Wagner Bill Eliminating It From Three-Platoon Law Passes the Senate.

ALBANY, July 21.—Under an emergency message from Gov. Dix, the Assembly to-day passed Senator Wagner's bill eliminating the traffic squad in New York City from the provisions of the three-platoon law passed at the session of the Legislature. Assemblyman Murray, Republican, Manhattan, was the only one to vote against the bill. The bill passed the Senate last night and now goes to the Governor, who will immediately approve it.

This amendment to the three-platoon police law will preserve the efficiency of the present traffic squad and give Commissioner Waldo authority to add 100 men to it as he sees fit.

### WINDSOR RACES.

WINDSOR RACE TRACK, Ont., July 21.—The races run here to-day resulted as follows:

**FIRST RACE**—Hurdle 1400; two-year-olds; Canadian bred; five furlongs.—Steamboat, 54 (Byrne), 4 to 1, even and out, first; Prince Polo, 107 (J. Wilson), 5 to 3, 2 to 5 and out, second; Stail, 54 (Adams), 4 to 5, 5 to 20 and out, third. Time, 1:38.4-5. Hop-kicking fell at stretch turn.

**SECOND RACE**—Hurdle 1200; steeplechase; four-year-olds and up; two miles.—Prince, 147 (Dwyer), 7 to 1, 2 to 1 and 4 to 5, first; Dr. Koch, 147 (Staff), 2 to 1, 7 to 10 and 1 to 2, second; Race-brook, 120 (Dwyer), 8 to 5, 7 to 10 and out, third. Time, 4:35. Jack Demerita also ran. Dr. Head and Orderly Nat fell.

### WINDSOR ENTRIES.

(Special to The Evening World.)  
**RACE TRACK, WINDSOR, Ont., July 21.**—The entries for to-morrow's races are as follows:

**FIRST RACE**—Hurdle 1400; two-year-olds; Canadian bred; five furlongs.—Steamboat, 54 (Byrne), 4 to 1, even and out, first; Prince Polo, 107 (J. Wilson), 5 to 3, 2 to 5 and out, second; Stail, 54 (Adams), 4 to 5, 5 to 20 and out, third. Time, 1:38.4-5. Hop-kicking fell at stretch turn.

**SECOND RACE**—Hurdle 1200; steeplechase; four-year-olds and up; two miles.—Prince, 147 (Dwyer), 7 to 1, 2 to 1 and 4 to 5, first; Dr. Koch, 147 (Staff), 2 to 1, 7 to 10 and 1 to 2, second; Race-brook, 120 (Dwyer), 8 to 5, 7 to 10 and out, third. Time, 4:35. Jack Demerita also ran. Dr. Head and Orderly Nat fell.

**THIRD RACE**—Hurdle 1400; two-year-olds; Canadian bred; five furlongs.—Steamboat, 54 (Byrne), 4 to 1, even and out, first; Prince Polo, 107 (J. Wilson), 5 to 3, 2 to 5 and out, second; Stail, 54 (Adams), 4 to 5, 5 to 20 and out, third. Time, 1:38.4-5. Hop-kicking fell at stretch turn.

**FOURTH RACE**—Hurdle 1200; steeplechase; four-year-olds and up; two miles.—Prince, 147 (Dwyer), 7 to 1, 2 to 1 and 4 to 5, first; Dr. Koch, 147 (Staff), 2 to 1, 7 to 10 and 1 to 2, second; Race-brook, 120 (Dwyer), 8 to 5, 7 to 10 and out, third. Time, 4:35. Jack Demerita also ran. Dr. Head and Orderly Nat fell.

**FIFTH RACE**—Hurdle 1400; two-year-olds; Canadian bred; five furlongs.—Steamboat, 54 (Byrne), 4 to 1, even and out, first; Prince Polo, 107 (J. Wilson), 5 to 3, 2 to 5 and out, second; Stail, 54 (Adams), 4 to 5, 5 to 20 and out, third. Time, 1:38.4-5. Hop-kicking fell at stretch turn.

**SIXTH RACE**—Hurdle 1200; steeplechase; four-year-olds and up; two miles.—Prince, 147 (Dwyer), 7 to 1, 2 to 1 and 4 to 5, first; Dr. Koch, 147 (Staff), 2 to 1, 7 to 10 and 1 to 2, second; Race-brook, 120 (Dwyer), 8 to 5, 7 to 10 and out, third. Time, 4:35. Jack Demerita also ran. Dr. Head and Orderly Nat fell.

**SEVENTH RACE**—Hurdle 1400; two-year-olds; Canadian bred; five furlongs.—Steamboat, 54 (Byrne), 4 to 1, even and out, first; Prince Polo, 107 (J. Wilson), 5 to 3, 2 to 5 and out, second; Stail, 54 (Adams), 4 to 5, 5 to 20 and out, third. Time, 1:38.4-5. Hop-kicking fell at stretch turn.

## U. S. WARSHIP AIDS THE AMERICANS IN PERIL AT HAYTI

Petrel Reaches Port au Prince as Attack Is Made—Yacht American Assists.

PORT AU PRINCE, Hayti, July 21.—The United States gunboat Petrel arrived here this afternoon from Gonaves. At the latter port the commander of the Petrel left a Haitian gunboat to protect the interests of foreigners.

With the arrival of the Petrel all uneasiness of Americans and other foreigners was allayed and their safety is assured. Foreign residents have raised the flags of their respective countries over their homes and places of business.

The Petrel has an armament of four four-inch guns, two three-inch and several rapid fire. Although the only warship in Haitian waters at present, she virtually commands the situation at Port au Prince and there is little likelihood of injury to Americans or American interests while her guns are trained upon the rebels.

The towns that are in arms are forming revolutionary committees composed chiefly of the followers of Gen. Antenor Firmin, leader of the revolt of 1902, who recently fell out with President Simon and has since been suggested as the next incumbent of the Presidential chair.

The steam yacht American, owned by Evans R. Dietz of New York, which has been cruising in these waters, is still at Cape Haytien taking foreigners on board.

WASHINGTON, July 21.—In the light of official information that the Haytian government contemplates bombarding the unfortified towns of St. Marc and Gonaves, now occupied by rebels, the United States in all probability will cable to-day a strong protest to President Simon against any such action.

The dispatch has not yet been sent, but the question is under serious consideration and the present disposition of officials here seems to foreshadow such a definite stand in the matter. The representatives probably will call to the attention of President Simon the fact that Hayti is a party to The Hague convention prohibiting the shelling of unprotected ports.

President Simon returned to his castle a sick man and is now confined to his bed. Minister Furness reported to the State Department today. This increased the gravity of the most critical situation which has faced him during his administration. He arrived at Port-au-Prince unexpectedly, having his opponents unaware before any attempt to prevent his landing could be perfected. Practically all of the northern part of the island, Mr. Furness added, is in the hands of the rebels.

The revolutionists are reported to be marching on Port-au-Prince from St. Marc, according to a despatch from Commander Dismukes of the gunboat Petrel, which arrived at Port-au-Prince to-day. Finding the rebels in peaceful control at Gonaves and American interests there not in danger, Commander Dismukes with the Petrel went to the capital to consult with Minister Furness.

### YACHT AMERICAN IS WELL ARMED.

The yacht American was purchased by Evans R. Dietz of the Dietz Brothers, No. 20 Broad street, some time ago. Mr. Dietz was acting as agent of the Haytian Government, and under his direction the vessel was fitted out at Hoboken with eight rapid fire guns and a complete new set of engines.

Mr. Dietz took a party on board her to the boat races at New London two weeks ago. The trip was in the nature of a trial spin, and immediately thereafter Mr. Dietz would have gone with her to the black republic had he not been called to Garrison, N. Y., by the serious illness of one of his children.

He left this port a little over a week ago.

## WILTSE GETS JOB AGAINST CARDINALS

Petrel Reaches Port au Prince as Attack Is Made—Yacht American Assists.

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